



## CITY OF DURHAM | NORTH CAROLINA

**Date:** September 29, 2015

**To:** Thomas J. Bonfield, City Manager  
**Through:** W. Bowman Ferguson, Deputy City Manager  
**From:** Marvin G. Williams, Director of Public Works  
**Subject:** Citizens Matter – Trans Perry – 610 Carrol Street (New House Construction)

### Executive Summary

According to the Land Development Office software, Mr. Trans Perry's builder Jamison Builders applied for a building permit on January 30<sup>th</sup>, 2015. In addition to this, a demolition permit for an existing house located at the above referenced address was requested February 4<sup>th</sup>, 2015.

In the initial permit request, a plot plan was attached to the application (see Original plot plan 1) and it showed that the original lot had been subdivided to create two house lots (one being a flag lot). The initial plot plan indicated no conflicting structures in front of the house and the driveway was shown on the northern most property line. The Public Works department reviewed the plot plan and indicated a request for existing utility services to be shown on the plan if they could be located to show that no conflicts existed. A revised plot plan was submitted on February 9<sup>th</sup>, 2015. The new plot plan (Revised plot plan 2) showed a new lot configuration with altered property lines and a new driveway location for 610 Carroll Street. The new plot plan did not note any driveway conflicts. Staff's review of the latest orthographic photos (see 2013 Aerial) show the existing house and no other potential obstacles).

The building permit was approved and the builder began construction. During the house construction the builder applied for a driveway permit from the Public Works Department on July 14<sup>th</sup>, 2015. When the builder called for an inspection on the project on July 15<sup>th</sup>, 2015, the inspector in the field saw that the proposed driveway conflicted directly with an existing asphalt speed hump that would cause a driver to enter directly at the top of the speed hump, drop into the gutter pan and then climb the driveway approach. The inspector indicated the conflict and stated the driveway could not be constructed as indicated. The engineering inspector supervisor was notified of the conflict and the builder was instructed by Public Works to relocate the driveway or the existing speed hump to resolve the conflict in accordance with section 62-97 of the city code.

Sec. 62-97. - Interference with street lighting poles, traffic-signal standards, catch basins, etc.

No driveway approach or curb return shall interfere with municipal facilities such as street lighting poles, traffic-signal standards, signals, catch basins, hydrants, crosswalks, bus loading platforms, utility poles, fire alarm supports, underground pipes, or ducts, or other necessary structures. The director of transportation and utilities is authorized to alter and effect the removal of such reconstruction of any driveway approach which now conflicts with street structures or which will conflict with street structures in the future. The cost of relocating such driveway approaches shall be at the expense of the abutting property owner.

Mr. Trans Perry, the property owner of record, met with Public Works Staff at City Hall. He explained his situation and the fact that he felt it was not his responsibility to move the existing speed hump. Mr.

Perry indicated that it was the responsibility of the City Staff to indicate any conflicts with his driveway during the review of the building permit and that since Public Works had approved the building permit it was the responsibility of Public Works to relocate the speed hump. Staff suggested an alternative to Mr. Perry. If a shared driveway was constructed with the adjoining flag lot then the speed hump could be avoided and would not be required to be relocated. Mr. Perry declined this alternative stating his customers would not wish to share a driveway as it would devalue both properties.

Mr. Perry requested a meeting with the Public Works Director, Marvin Williams, to personally explain his position on the matter. Director Williams reviewed the pertinent documents, inspections staff comments, and ordinances and issued a formal response to Mr. Perry (see attached letter). Since receiving the letter from the Public Works Director, Mr. Perry has removed the speed hump in question from the driveway but has requested to be reimbursed from the Public Works Department. The Public Works Department declined Mr. Perry's request.

Mr. Perry has since then requested the City Manager's office to review his case. In the course of this discussion with the City Manager's office, Mr. Perry was driving through another subdivision and indicated that a new house constructed recently with a similar driveway conflict. Mr. Perry indicated that the driveway and speed hump were in conflict and the City had not required the speed hump to be relocated and felt he was being unfairly burdened by the relocation.

Staff research into this address found the following information. The house address is 122 Hillside Lane and is located in the Southside West (City and Self Help Redevelopment Project). This project is currently administered by Community Development Department. The project completely reformed this street and re-distributed the existing lots.

The builder for the adjacent 120 Hillside lane decided to flip the driveway location for the construction of the house on the parcel. Inspections met in the field and decided to relocate the proposed location of the speed hump due to the driveway shift but this change was not reflected back to development review because the shift was considered minor (7 foot shift) and no house was under construction for 122 Hillside at the time. During this time, the builder of 122 Hillside also decided to flip the driveway of their house and turned in a request for a building permit. The building permit was issued for 122 Hillside by PW Development Review on January 7<sup>th</sup>, 2015 using the approved CD's which showed no conflict for the driveway. The new speed table was installed on January 5<sup>th</sup>, 2015 according to our inspections information by Community Developments Contractor.

As the house on 122 Hillside began to construct the driveway, Engineering Inspections identified that the driveway conflicted slightly with the new speed hump and called on City Transportation Department to meet them in the field and determine how to proceed. Given the tight location of the speed hump between 3 driveways, the 1' taper intrusion into the driveway lane, and the asphalt being raised ½", it was determined by Public Works staff that the conflict was minimal and relocation was not necessary. In addition to this, Transportation and Public Works agreed that the new home owner would need to sign a form (see 122 Hillside speed hump PDF) that stated they were aware of the conflict and that it was acceptable to them. If the hump needed to be moved it would be at the homeowner's expense. Pictures for 610 Carroll Street and 122 Hillside Lane have been attached for comparison on the conflicts between the driveways and speed humps.